

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (original): A disposable absorbent article defining two lateral end edges, two longitudinal side edges, a front waist region, a back waist region and a crotch region interconnecting the front waist region and back waist region, the disposable absorbent article comprising:  
an absorbent core defining a garment surface and a body surface;  
an outer cover positioned adjacent the garment surface of the absorbent core; wherein the absorbent core and the outer cover define a chassis;  
and  
a unitary waist elastic element defining a waist elastic element inboard portion and a pair of unitary waist elastic element outboard portions, wherein the unitary waist elastic element is attached to the back waist region, and wherein the unitary waist elastic element outboard portions extend laterally beyond the chassis of the absorbent article to provide a pair of ears, and wherein the unitary waist elastic element inboard portion shirrs the back waist region.
2. (original): The disposable absorbent article of claim 1 wherein the unitary waist elastic element is attached to an interior surface of the article.
3. (original): The disposable absorbent article of claim 1 wherein the unitary waist elastic element further defines a unitary waist elastic element upper edge, and the unitary waist elastic element upper edge of the unitary waist elastic inboard portion is coterminous with a lateral end edge of the disposable absorbent article.
4. (original): The disposable absorbent article of claim 1 wherein the unitary waist elastic element further defines a unitary waist elastic element upper edge, and the unitary waist elastic element upper edge of the unitary waist elastic inboard portion is at least 5 mm from a lateral end edge of the disposable absorbent article.
5. (original): The disposable absorbent article of claim 1 wherein the unitary waist elastic element defines a unitary waist elastic element lower edge and the unitary waist elastic element lower edge of the inboard portion is curvilinear.

6. (original): The disposable absorbent article of claim 5 wherein the unitary waist elastic element lower edge of the inboard portion has a radius of curvature of less than 25 cm.
7. (original): The disposable absorbent article of claim 1 wherein the unitary waist elastic element further defines a unitary waist elastic lower edge and the unitary waist elastic element lower edge defines a "w" shape.
8. (original): The disposable absorbent article of claim 1 wherein the unitary waist elastic element further defines a unitary waist elastic element upper edge and the unitary waist elastic element upper edge of the inboard portion is attached to an interior surface of the article.
9. (original): The disposable absorbent article of claim 8 wherein the unitary waist elastic element further defines a unitary waist elastic element lower edge wherein at least a portion of the unitary waist elastic element lower edge of the inboard portion is attached to the interior surface of the article.
10. (original): The disposable absorbent article of claim 1 wherein the unitary waist elastic element further defines a unitary waist elastic element lower edge wherein the unitary waist elastic element lower edge of the outboard portions are configured to provide curved leg cut-outs.
11. (original): The disposable absorbent article of claim 10 wherein the curved leg cut-outs have a radius of curvature of less than 25 cm.
12. (original): The disposable absorbent article of claim 1 further comprising a fastener attached to each of the unitary waist elastic element outboard portions.
13. (currently amended): The disposable absorbent article of claim 1 wherein the outer cover is stretchable. ~~the waist region containing the unitary waist elastic element is elastic.~~

14. (original): The disposable absorbent article of claim 1 further comprising a second unitary waist elastic element defining a second unitary waist elastic element inboard portion and a second pair of unitary waist elastic element outboard portions, wherein the second unitary waist elastic element is attached to the front waist region, and wherein the second unitary waist elastic element outboard portions extend laterally beyond the chassis of the absorbent article to provide a second pair of ears, and wherein the second unitary waist elastic element inboard portion attached to the front waist region shirrs the front waist region.
15. (original): A disposable absorbent article defining two lateral end edges, two longitudinal side edges, a front waist region, a back waist region and a crotch region interconnecting the front waist region and back waist region, the disposable absorbent article comprising:
  - an absorbent core defining a garment surface and a body surface;
  - an outer cover positioned adjacent the garment surface of the absorbent core, wherein the absorbent core and the outer cover define a chassis;
  - and
  - a unitary waist elastic element defining a unitary waist elastic element inboard portion and a pair of unitary waist elastic element outboard portions, wherein the unitary waist elastic element is attached to the interior surface of the article to the back waist region along a unitary waist elastic element upper edge in the inboard portion, wherein the unitary waist elastic element outboard portions extend laterally beyond the chassis of the absorbent article to provide a pair of ears, wherein the unitary waist elastic element outboard portions are stretchable, wherein the unitary waist elastic element defines a unitary waist elastic element lower edge and the unitary waist elastic element lower edge in the inboard portion is curvilinear; and wherein the unitary waist elastic element inboard portion attached to the back waist region shirrs the back waist region.
16. (original): The disposable absorbent article of claim 15 wherein the unitary waist elastic element upper edge of the inboard portion is adjacent a lateral end edge of the disposable absorbent article.
17. (original): The disposable absorbent article of claim 15 wherein the unitary waist elastic element upper edge of the inboard portion is at least 5 mm from a lateral end edge of the disposable absorbent article.

18. (original): The disposable absorbent article of claim 15 further comprising a fastener attached to each of the outboard portions of the waist elastic element.
19. (original): A disposable absorbent article defining two lateral end edges, two longitudinal side edges, an interior surface, an exterior surface, a front waist region, a back waist region and a crotch region interconnecting the front waist region and back waist region, the disposable absorbent article comprising:  
an absorbent core defining a garment surface and a body surface;  
an outer cover positioned adjacent the garment surface of the absorbent core; wherein the absorbent core and the outer cover define a chassis;  
and  
a unitary waist elastic element defining a waist elastic element inboard portion and a pair of waist elastic element outboard portions, wherein the unitary waist elastic element is attached to the front waist region, and wherein the waist elastic element outboard portions extend laterally beyond the chassis of the absorbent article to provide a pair of ears, and wherein the waist elastic element inboard portion attached to the front waist region shirrs the front waist region.
20. (original): The disposable absorbent article of claim 19 wherein the waist elastic element upper edge in the inboard portion is adjacent a lateral end edge of the disposable absorbent article.
21. (original): The disposable absorbent article of claim 19 wherein the waist elastic element upper edge in the inboard portion is at least 5 mm from a lateral end edge of the disposable absorbent article.
22. (original): The disposable absorbent article of claim 19 further comprising a fastener attached to each of the outboard portions of the waist elastic element.